IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1175 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/06/2001 in WP NO : 2728 OF 1997 on the file of the High Court.)

Between:

S.L. Agarwal S/o J.L.Agarwal
Flat No.118/1, Methodist Colony,
Begumpet, Hyderabad

..... APPELLANT

AND

1 The Cooperative Tribunal Hyderabad, A.P.
7th Floor, Chandra Vihar,
M.J.Road, Hyderabad
2 A.M.D. Employees Coop.Housing Society Sri B.Narsimha Rao, Secretary
AMD Complex, Begumpet,
Hyderabad-11
3 Bhisem Kumar S/o Ramananda Sinha
4 Rao Raja Kumar S/o Subba Rao
5 Rao Satya Kumar S/o Subba rao
6 The Dy. Registrar of Cooperative Societies
Opp: Gandhi Medical College, Basheer Bagh,
Hyderabad

.....RESPONDENTS

Counsel for the Appellant: MR.VORA.RAVI KUMAR

Counsel for the Respondent No.2: MR.PRABHAKAR SRIPADA

Counsel for the Respondent 1 and 6: GP for Cooperation.

The Court made the following :

JUDGMENT:(per SRI JUSTICE B. SUDERSHAN REDDY)

The unsuccessful petitioner in Writ Petition No.2728 of 1997 is the appellant in this appeal. The appeal is directed against the order dated 15-06-2001 made in Writ Petition No.2728 of 1997 which was disposed of along with W.P.Nos.13946 of 1992, 2183 of 1997 and 18995 of 1999. That the relief prayed for by the appellant in Writ Petition No.2728 of 1997 is to the following effect:

"…..pleased to issue a writ or order or direction more particularly one in the nature of Writ of *"Certiorari*" calling for the records pertaining to the order of the Co operative Tribunal in CT.No.453/94, dated 16-01-1997, and quash the same as illegal, arbitrary and contrary to the provisions of Co operative Societies Act and further violative of Article 14 of the Constitution of India".

The learned Single Judge noticed that the subject matter that had arisen for consideration in Writ Petition No.2728 of 1997 pertains to registration of land in favour of the writ petitioner arising out of the agreement dated 28-09-1984. The Society failed to register flat No.1 in favour of the writ appellant and he raised an arbitration dispute seeking appropriate directions as against the second respondent society to execute and register the sale deed in respect of Flat No.1 in his favour. The learned single Judge having referred to the facts and the material available on record found that the dispute between the appellant and the respondents, does not fall within the ambit of Section 61 of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). The learned Judge took the view that neither the Registrar nor the Arbitrator under the provisions of the Act are competent to settle the dispute with regard to purchase and sale of land between the members of the co-operative society and non-members. It is under those circumstances, the learned Judge came to the right conclusion that the remedy of the petitioner lies elsewhere. The view

taken by the learned Judge that parties must be directed to approach the competent Court of Civil jurisdiction for redressal of their grievance, does not suffer from any legal infirmity or factual errors.

It is needless to observe that if the parties avail such remedy, the same may have to be considered on its own merits un-influenced by the dismissal of this Writ Appeal and the observations, if any, made by the learned single Judge while disposing of the Writ petitions.

Accordingly, the Writ Appeal shall stand dismissed. No order as to costs.

_____

JUSTICE B. SUDERSHAN REDDY

_____

JUSTICE K.C. BHANU

vs/pv

To

1 The Cooperative Tribunal Hyderabad, A.P.
7th Floor, Chandra Vihar,
M.J.Road, Hyderabad.

2 The Secretary,A.M.D. Employees Coop.Housing Society,
AMD Complex, Begumpet,
Hyderabad-11.

3 The Dy. Registrar of Cooperative Societies
Opp: Gandhi Medical College, Basheer Bagh,
Hyderabad.

4 Two CD copies.

5 Two CCs to the G.P for Cooperation, High Court of A.P., Hyderabad(O.U.T).